

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIE WHITE,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 22-CV-0979
	:	
SGT. WATTY, et al.,	:	
Defendants.	:	
		<u>ORDER</u>

AND NOW, this 13th day of May, 2022, upon consideration of Plaintiff Willie White's Motions to Proceed *In Forma Pauperis* (ECF Nos. 4, 17), his Prisoner Trust Fund Account Statement (ECF No. 5), and his *pro se* Amended Complaint (ECF No. 16), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Willie White, #26532, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Lehigh County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to White's inmate account; or (b) the average monthly balance in White's inmate account for the six-month period immediately preceding the filing of this case. The Warden of Lehigh County Jail or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in White's inmate trust fund account exceeds \$10.00, the Warden of Lehigh County Jail or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to White's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Lehigh County Jail.

4. The Amended Complaint is **DEEMED** filed.

5. The Clerk of Court is **DIRECTED** to update the caption of this case to reflect the Defendants named in the Amended Complaint, namely Sgt. Watty, Officer Iman and Officer Hefferman.

6. The property loss and cell search claims in the Amended Complaint against Defendant Officer Iman are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum. The First Amendment access to courts/interference with legal mail claim and harassment claim against Defendant Iman are **DISMISSED WITHOUT PREJUDICE**.

7. White may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for White's claims against each defendant. White may not reassert any claim that has been dismissed with prejudice. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. **When drafting his amended complaint, White should be mindful of the Court's warning that he must reassert his excessive force claim against Sgt. Watty and Officer Hefferman in the second amended complaint or that claim will be waived.** Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

8. The Clerk of Court is **DIRECTED** to send White a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. White may use this form to file his amended complaint if he chooses to do so.¹

9. If White does not wish to amend his Complaint he may so advise the Court and his Amended Complaint will be served for a responsive pleading on Defendants Sgt. Watty and Officer Hefferman only. If White fails to respond to this Order within thirty (30) days, his case will proceed against those Defendants only.

BY THE COURT:

/s/ *Eduardo C. Robreno*
EDUARDO C. ROBRENO, J.

¹ This form is available on the Court's website at
<http://www.paed.uscourts.gov/documents/forms/frmcf1983f.pdf>.